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| APPLICATION NO.  | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|--|-------------|----------------------|---------------------|------------------|
| 10/756,909   | 01/14/2004  | Bernd Meindl         | WRA-34025           | 3109             |
| 24131  | 7590        | 04/29/2005           | EXAMINER            |                  |
| LERNER AND GREENBERG, PA<br>P O BOX 2480<br>HOLLYWOOD, FL 33022-2480 |             |                      | LE, MARK T          |                  |
|  |             |                      | ART UNIT            | PAPER NUMBER     |
|  |             |                      | 3617                |                  |

DATE MAILED: 04/29/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

|                              |                               |                               |  |
|------------------------------|-------------------------------|-------------------------------|--|
| <b>Office Action Summary</b> | Application No.<br>10/756,909 | Applicant(s)<br>MEINDL, BERND |  |
|                              | Examiner<br>Mark T. Le        | Art Unit<br>3617              |  |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-13 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-13 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some \*    c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |   |  |
|---|--|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. ____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                  | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)            |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date ____ | 6) <input type="checkbox"/> Other: ____  |

### **DETAILED ACTION**

1. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the driving pulley formed with two cable grooves, as recited in claim 12, must be shown or the feature must be canceled from the claim. No new matter should be entered.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the

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invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1-5 and 9-13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Wuschek (US 4,473,011) in view of Meindl (US 4,802,416).

Wuschek discloses a cable car system similar to that recited in the instant claims, including at least two pairs of supporting cables 2, self-contained traction cable 3 formed in two loops, and a plurality of containers 1. It is noted that containers 1 of Wuschek are not cabins as claimed; however, cable car systems provided with cabins for transporting passengers are well known. Note for example, the cable car system of Meindl includes cabins 8. Accordingly, it would have been obvious to one skilled in the art to configure the cable car system of Wuschek for carrying passengers by providing passenger cabins similar that taught by Meindl.

Regarding instant claim 4, note that on each side of cabin 1 of Wuschek, as modified, traction cable 3 is positioned between cabin 1 and the outer supporting cable 2, as required by claim 4.

Regarding the instant claimed coupling devices pivotally mounted with axes extending substantially parallel to the direction of movement of the traction cable, as recited in instant claim 9, consider Figure 6 of Wuschek; wherein, operating components with rollers 9a of the coupling devices are mounted to pivot around such axes parallel to the direction of movement of the traction cables.

Regarding the instant claimed coupling devices pivotally mounted with axes extending transversely to the direction of movement of the traction cable, as recited in

instant claims 10-11, consider Figures 3-6 of Wuschek; wherein, bolts 11 provide horizontal and transverse axes for the coupling devices, as claimed.

Regarding the instant claimed driving pulley formed with two cable grooves, recited in instant claim 12, consider Figure 6 Meindl that shows single drive sheave 23' provided with two grooves to facilitate synchronization. In view of Meindl, it would have been obvious to one skilled in the art to replace two drive sheaves of Wuschek with a single drive sheave with two grooves, in a manner similar to that taught by Meindl, so as to facilitate synchronization of the traction cables.

Regarding instant claim 13, consider the exemplary supporting roller 9a shown in Figure 6 of Wuschek. As to how the supporting rollers are used as recited in the last 4 lines of instant claim 13. Note that since supporting rollers 9a of Wuschek are inherently capable of the instant claimed intended use, the limitation of the instant claimed intended use is considered met.

4. Claims 6-8 are rejected under 35 U.S.C. 103(a) as being unpatentable over the prior art as applied to claim 1 above, and further in view of Hinsen (US 1,149, 764).

Regarding the instant claimed support bars recited in instant claims 6-8, note that in Figure 1 of Wuschek, an indication of a supporting tower with a support bar is shown; however, details are not shown. Hinsen discloses a plurality cable supporting towers 1, and one of which is shown in Figure 1 with support bar 9 and cable clamps 13. In view of Hinsen, it would have been obvious to one skilled in the art to provide a plurality of cable supporting towers, similar to that taught by Hinsen, in the system of Wuschek for supporting cables thereof.

Regarding the instant claimed supporting rollers for the traction cables, as recited in claim 8, Applicant should note that supports for traction cables inherently require means to reduce frictions. For example, consider supporting rollers 5 for supporting traction cables of Meindl. Accordingly, as a matter of common sense, it would have been obvious to one skilled in the art to further provide supporting rollers, e.g. similar to that of Meindl, on the support bars of the supporting towers of Wuschek, as modified, so as to provide supports with reduced friction as required for the traction cables.

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Mark T. Le whose telephone number is 571-272-6682. The examiner can normally be reached on Mon-Fri (8:00-5:00).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Samuel Morano can be reached on 571-272-6684. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Mark T. Le  
Primary Examiner  
Art Unit 3617

mle  
4/22/05